

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
EVA LUZ COLON BERRIOS

CASE NO. 09-07482-ESL

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0 R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,854.00   Fees paid: \$0.00   Fees Outstanding: \$2,854.00</b>
--

With respect to the proposed (amended) Plan dated: **August 29, 2011** (Dkt 23). Plan Base: **10,559.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]

Prior to the filing of the proposed plan, Debtor was three (3) months in arrears with the Trustee. Debtor is proposing to cure said arrears by having three months with \$0.00 in payments. Debtor, however, has not explained why he could not make the monthly payments for said months. Debtor must inform the Trustee the reason why such payments were not made, in order for the Trustee to determine if the proposed plan is feasible and if Debtor is submitting all his disposable income to fund the same.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this August 29, 2011.

/s/ Alexandra Rodriguez -Staff Attorney

JOSE R. CARRION  
CHAPTER 13 TRUSTEE  
PO Box 9023884, San Juan, PR 00902-3884  
Tel. (787) 977-3535 Fax (787) 977-3550

ARD